

IN THE SUPREME COURT OF THE STATE OF DELAWARE

BRUCE PORTER,<sup>1</sup>

Petitioner Below,  
Appellant,

v.

ROSIE TOWNSEND,

Respondent,  
Appellee.

§

§ No. 61, 2022

§

§ Court Below—Family Court of  
§ the State of Delaware

§

§ File No. CN19-04055

§ Petition No. 20-13074

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§

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Submitted: March 15, 2022

Decided: March 28, 2022

Before **SEITZ**, Chief Justice; **TRAYNOR** and **MONTGOMERY-REEVES**,  
Justices.

**ORDER**

Upon consideration of the notice to show cause and the appellant's response,  
it appears to the Court that:

(1) On February 25, 2022, the appellant, Bruce Porter, filed a notice of  
appeal from a Family Court order, dated and docketed on December 13, 2021,  
resolving several matters ancillary to the parties' divorce. A timely notice of appeal  
was due in this Court by January 12, 2022.<sup>2</sup> The Senior Court Clerk issued a notice  
directing Porter to show cause why this appeal should not be dismissed as untimely

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<sup>1</sup> The Court previously assigned pseudonyms to the parties under Supreme Court Rule 7(d).

<sup>2</sup> Supr. Ct. R. 6(a)(i).

filed. In his response to the notice to show cause, Porter states that he was unable to file a timely notice of appeal because he contracted COVID-19 and is in very poor health.

(2) Time is a jurisdictional requirement.<sup>3</sup> A notice of appeal must be received by the Court within the applicable time period in order to be effective.<sup>4</sup> An appellant's *pro se* status does not excuse a failure to comply strictly with the jurisdictional requirements.<sup>5</sup> Unless an appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, an untimely appeal cannot be considered.<sup>6</sup>

(3) Porter does not contend, and the record does not reflect, that his failure to file a timely appeal in this case is attributable to court-related personnel. This appeal must therefore be dismissed.<sup>7</sup>

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<sup>3</sup> *Carr v. State*, 554 A.2d 778, 779 (Del.1989).

<sup>4</sup> Supr. Ct. R. 10(a).

<sup>5</sup> *Ward v. Taylor*, 2019 WL 4784943, at \*1 (Del. Sept. 30, 2019); *Smith v. State*, 47 A.3d 481, 486-87 (Del. 2012).

<sup>6</sup> *Ward*, 2019 WL 4784943, at \*1; *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).

<sup>7</sup> *See, e.g., Washington v. Div. of Fam. Servs.*, 2011 WL 6201770, at \*1 (Del. Dec. 13, 2011) (dismissing untimely appeal where the appellant said she had been in ill health but had not shown that her failure to file a timely notice of appeal was attributable to court-related personnel).

NOW, THEREFORE, IT IS HEREBY ORDERED, under Supreme Court Rules 29(b), that this appeal is DISMISSED.

BY THE COURT:

/s/ Tamika R. Montgomery-Reeves  
Justice